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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,309	03/16/2000	Steven B. Wilson	202731	2263
22801	7590	10/11/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 10/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/527,309

Applicant(s)

WILSON, STEVEN B.

Examiner

Susan Y. Chen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 28, 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2005 has been entered.

Claims 28 and 40 are pending for examination, claims 28 and 40 have been amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,692,129 issued to Sonderegger et al. (hereinafter referred as

Sonderegger) in view of U.S. Patent No. 6,021,425 issued to Waldron et al. (hereinafter referred to as Waldron).

As to claim 28, Sonderegger discloses a system for managing a directory of published objects and removing nonfunctional objects via directory service maintained on a computer network as claimed by applicant [e.g., Abstract, col. 2, Brief Summary of the Invention section; Fig(s). 1-11 and associated texts], wherein, the system comprising:

a) a pruning module [e.g., the snap-in module, col. 2, lines 61-67] including a module for testing if a specified object, from the directory of published objects, is accessible [e.g., the database object access control interface tool, col. 3, lines 19-23], a module for determining if the specified objects is delete able [e.g., the updating or final cleaning module of the application launcher, col. 3, lines 24-42] and a module for testing if software hosting the specified object is capable of republishing the specified object [e.g., the database object replication interface tool, col. 3, lines 21-23];

b) a domain controller hosting the pruning module and the directory of published objects [e.g. the Application Launcher (50, Fig. 2); col. 3, lines 24-42; Fig(s). 9-10 and associated texts];

c) a thread for executing the pruning module [e, g., col. 19, lines 44-51].

Waldron did not expressly disclose a list of orphaned objects is tested in accordance with a specifiable policy that monitors the specified object with a low priority thread to determine if the specified object is orphaned.

However, Waldron disclosed a system [e.g., the units: 10, 12 and 14 of Fig. 1 and associated texts] for managing a directory of published objects [e.g., col. 4, lines 4-5] over a computer network, he further disclosed a list of orphaned objects [e.g., the unit 106, Fig. 2 and associated texts] is tested in accordance with a specifiable policy [e.g., the use of a graphic user interface with a Round-Robin task/thread scheduling and a timer to preempt/terminate the task/thread, col. 5, lines 1-55 and the context switching logical flow of Fig(s). 2-3b and associated texts].

Sonderegger and Waldron have common subject matters as a system for managing a directory of published objects over a computer network via software interface tool, therefore, it would have been obvious for an ordinary skilled artisan to modify Sonderegger's interface tool with the technique taught by Waldron because by doing so, the combined system will provide an optimized user interface tool that gives the user the feel of instantaneous responsiveness of the tasks/threads processing and preempting tasks/threads or removing the low priority tasks/threads accordingly, as such, the combined will support real-time application efficiently [e.g., Waldron: col. 5, lines 15-43].

As to claim 40, this claim recites the same features of claim 28 in form of method, hence, are rejected for the same reason.

### ***Response to Arguments***

Applicant's arguments with respect to claim 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lucovsky et al. (U.S. Patent No. 6,223,207) which discloses a system to perform multiple simultaneous asynchronous I/O operations and check the I/O completion port's queue to determine the status of its I/O requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

Sept. 28, 2005

  
UYEN LE  
PRIMARY EXAMINER